

STATE OF NEW YORK : DEPARTMENT OF HEALTH

IN THE MATTER

OF

ANTONIA C. NOVELLO, M.D., M.P.H., Dr. P.H., as Commissioner
of Health of the State of New York, to determine the action to be taken
with respect to:

OUR LADY OF CONSOLATION @ GERIATRIC CARE CENTER

STIPULATION

AND

Respondent,

ORDER

as operator of:

NH-04-61

Our Lady of Consolation @ Geriatric Care
Center

111 Beach Drive

West Islip, New York 11795

arising out of alleged violations of Article 28 of the Public
Health Law of the State of New York and Title 10 (Health)
of the Official Compilation of Codes, Rules and Regulations of
the State of New York (NYCRR)

WHEREAS, the New York State Department of Health (the "Department"), has
made findings based upon inspections of Our Lady of Consolation @ Geriatric Care
Center (the "Facility"); and

WHEREAS, the Department completed its inspections of the Facility on
August 8, 2003, and November 7, 2003.

hearing or litigation not involving the Department. It is agreed that the foregoing admission is not intended to be used dispositively or otherwise regarding any allegations of medical malpractice that may be made in a civil action for monetary damages.

3. Pursuant to Sections 12 and 206 of the Public Health Law, the Respondent shall pay a civil penalty of \$2,000 within 15 days after the effective date of this Stipulation and Order. This civil penalty shall be sent by certified mail and shall be made payable by certified check to the New York State Department of Health and forwarded to the New York State Department of Health, Bureau of Accounts Management, Room 1258, Corning Tower, Empire State Plaza, Albany, New York 12237-0016. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes, but is not limited to, the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection and non-renewal of permits or licenses [Tax Law Section 171(27); State Finance Law Section 18; CPLR Section 5001; Executive Law Section 32].

4. Nothing herein contained shall be construed to preclude the Department from pursuing any and all sanctions or remedies authorized by the Public Health Law against any individual employed by or practicing in association with the Facility for any violations identified during the inspections referred to herein. Such sanctions and remedies may include, but are not limited to, administrative proceedings brought

pursuant to Public Health Law Section 2803-d (relating to patient abuse, mistreatment or neglect), Public Health Law Section 230 (relating to professional medical conduct) and Public Health Law Article 28-D (relating to the practice of nursing home administration). A copy of this Stipulation and Order shall be sent by the Department to the Bureau of Nursing Home Administrator Licensure for whatever action, if any, it may deem appropriate.

5. It is further stipulated and agreed by the Respondent and the Department that there exist valid and sufficient grounds, as a matter of fact and law, for the issuance of this Stipulation and Order under the Public Health Law and the Respondent consents to its issuance, accepts its terms and conditions and waives any right to challenge this Stipulation and Order in a proceeding pursuant to Article 78 of the Civil Practice Law and Rules or in any other action or proceeding.

6. This Stipulation and Order shall be effective upon service on the Respondent or the Respondent's attorney or representative of a copy by personal service or by certified or registered mail.


DATED: *West Islip* New York
August 05, 2004

Our Lady of Consolation @ Geriatric Care
Center

By: *Sister Marilyn Breen, ADM*

AGREED AND SO ORDERED:

DATED: Albany, New York 8-23-2004 ANTONIA C. NOVELLO, M.D., M.P.H., Dr. P.H.
Commissioner of Health

By: 
DENNIS P. WHALEN
Executive Deputy Commissioner

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Mail Payment to:

New York State Department of Health
Bureau of Accounts Management
Corning Tower, Room 1258
Empire State Plaza
Albany, New York 12237-0016

ADDENDUM

OUR LADY OF CONSOLATION @ GERIATRIC CARE CENTER

<u>Date</u>	<u>Code Cite 10 NYCRR</u>	<u>Violation</u>
August 8, 2003	415.12(c)	Quality of Care: Pressure Sores
November 7, 2003	415.12(h)	Quality of Care: Accidents